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**Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers, January 14, 2008**

WCD Offices, 1380 W. Frontage Road, Hwy. 36  
Stillwater, MN 55082

**APPROVED**

**ROLL CALL**

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Rick Vanzwol, Vice-President	Debbie Meister, Recorder
Connie Taillon, Treasurer	Pat Conrad, EOR
Gerald Johnson, Secretary	Chuck Holtman, Smith Partners
Gail Pundsack, Manager <i>arrived 6:50 p.m.</i>	

1. **Call Regular Meeting to order @ 6:30 PM**  
President Leiser called the first Regular Meeting of 2008 to order at 6:36 PM.
2. **Approve Regular Meeting Agenda and Discussion Agenda**  
Administrator Kill requested the addition of item 8b. Metropolitan Council WOMP Grant and MN Erosion Control Conference under 9d. President Leiser requested adding 8c. Election of Officers.  
**Manager Johnson, seconded by Manager Taillon, moved to approve the agenda and discussion agenda as amended. Vote 4/0/0/1.**
3. **Public Comments**  
No public comments.
4. **Approve Minutes – Board Action**
  - a.) **August 13, 2007 & August 15, 2007 Regular Board Meeting**  
**Manager Vanzwol, seconded by Manager Johnson, moved to approve the minutes of the August 13, 2007 and August 15, 2007 regular Board Meetings as amended. Vote 4/0/0/1.**
  - b.) **December 3, 2007 Special Board Meeting**  
**Manager Vanzwol, seconded by Manager Johnson, moved to approve the minutes of the December 3, 2007 Special Board Meeting as amended. Vote 4/0/0/1.**

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2 *Manager Pundsack arrived at 6:50 PM.*  
3

4 **c.) December 10, 2007 Annual and Regular Board Meeting**  
5 **Manager Johnson, seconded by Manager Taillon, moved to approve the December**  
6 **10, 2007 Annual and Regular Minutes as amended. Vote 5/0.**  
7

8 **5. Treasurer's Report**

9 **a.) Review Authorized Funds Spreadsheet**

10 Administrator Kill gave an update on the Authorized Funds Spreadsheet. Administer Kill  
11 reported that a meeting is set with Dave McCord, Accountant, prior to the Feb 2008  
12 Board meeting to finalize the 2007 budget and carryover. Manager Johnson requested an  
13 overhead of the spreadsheet be prepared for the meeting.  
14

15 **b.) Current Items Payable – Board Action**

16 **Manager Taillon, seconded by Manager Vanzwol, moved to pay bills as presented.**  
17 **Roll call vote 5/0.**  
18

19 **c.) Permit Fee Statements Review**

20 Administrator Kill reported that on Friday permittees were either billed or information  
21 about unpaid accounts was sent to legal counsel for preparation of letters  
22

23 **6. Permit/Rules**

24 **a.) Resolution 08-01 Regarding Permit Fees and Related Charges – Board Action**

25 Legal counsel indicated that MN statute allows watershed districts to recover costs that  
26 the district incurs. A case could be made that the District is suffering lost interest from  
27 fees not in the account and the District is exercising an implied power. The Board  
28 discussed what interest rate was justifiable. Overall the policy's intent is to encourage  
29 applicants to pay their bills. Other issues discussed were which permits the policy would  
30 be applied, i.e. all permits, new permits only, etc., the need to send notification of the  
31 policy change, the timeframe for payment and reaffirming the current policy of not  
32 paying interest on the permit escrow fund.  
33

34 **Manager Johnson, seconded by Manager Vanzwol, moved to amend Resolution 08-**  
35 **01 to state "NOW, THEREFORE BE IT RESOLVED that the Board of Managers**  
36 **hereby adopts a policy requiring that all permit applicants and permittees with**  
37 **conditionally approved but unissued permits approved after this date shall**  
38 **replenish the permit fee deposit as required by District Rules and adopted policies**  
39 **within 60 days of receiving notice that such deposit is due, or the permit application**  
40 **or permit shall be deemed abandoned and all prior approvals shall be revoked and**  
41 **collection proceedings shall begin on unpaid balances;". Vote 5/0.**  
42

43  
44 **Manager Vanzwol, seconded by Manager Pundsack, moved to amend Resolution**  
45 **08-01 to state "BE IT FURTHER RESOLVED that the Board of Managers hereby**  
46 **adopts a policy requiring all permit applicants, permittees, or parties found to be in**  
47 **violation of District Rules to pay invoices of actual permit fees due within 30 days,**

1 and that failure to pay said fees within 35 days shall result in the charging of  
2 interest at the rate of 0.5 percent per month plus administrative costs.” Vote 5/0.

3  
4 **Manager Vanzwol, seconded by Manager Johnson, moved adoption the amended**  
5 **Resolution 08-01 regarding permit fees and related charges. Vote 5/0.**  
6

7 Recess at 7:50 - 7:54 PM

8  
9 **7. Projects/Programs**

10 a.) **McKusick Lake Management Plan Report Dec. 2007 –Board Action**

11 EOR reviewed the City of Stillwater Lake Management Plan for Lily and McKusick  
12 lakes, provided comments and recommended plan approval. Administrator Kill indicated  
13 that the District contributed \$25,000 to the McKusick lake management plan. The Board  
14 has approved 2008 water monitoring with three grab sampling locations between the  
15 Long Lake outlet and the diversion structure to determine where additional nutrients are  
16 entering the system. The Board has also budgeted \$50,000 in 2008 for implementation  
17 of the McKusick Lake Management Plan in those areas that are geographically within the  
18 boundaries of BCWD.

19  
20 **Manager Vanzwol, seconded by Manager Johnson, moved approval of the Lily and**  
21 **McKusick Lake Management Plan as it applies to McKusick Lake. Vote 5/0.**  
22

23 **8. New Business**

24 a.) **Stillwater Local Water Management Plan – Conditional Approval –Board**  
25 **Action**

26  
27 **Manager Vanzwol, second by President Leiser, moved approval of the City of**  
28 **Stillwater’s Local Water Management Plan, with approval effective on execution by**  
29 **the City and the District of a Maintenance Agreement and incorporation of the**  
30 **agreement into Appendix D and approval of the letter to be sent to the City with the**  
31 **date change to January 15, 2008. Vote 5/0.**  
32

33 b.) **Metropolitan Council WOMP Grant –Board Action**

34 **Manager Taillon, seconded by Manager Vanzwol, moved to approve 2008-09**  
35 **Metropolitan Council WOMP Grant SG2008-02 for \$4,000 per year to operate the**  
36 **stream monitoring station at the intersection of Hwy 95 and Hwy 96. Vote 5/0.**  
37

38 c.) **Election of Officers**

39 Manager Johnson suggested the current officers be reelected to their positions—President  
40 Leiser, Vice-President Vanzwol, Treasurer Taillon, Secretary Johnson and Manager  
41 Pundsack. **Manager Johnson, seconded by Manager Pundsack, moved to cast a**  
42 **unanimous ballot for the current slate as currently impaneled. Vote 5/0.**  
43

44 **9. Discussion Agenda—No Action Required**

45 a.) **Permit Review—Current Inspection Update**

46 Administrator Kill updated the Board on recent collaboration efforts with the City of  
47 Lake Elmo regarding the Sanctuary development.

1           **b.) Project Review and Updates**

- 2           • **Brown's Creek Phase II Biota Impairment TMDL**  
3           The Technical Advisory Committee will meet after the data from the University of  
4           MN macroinvertebrate study is available, which should be approximately in late  
5           March after winter hatches are sampled. The Citizen Advisory Committee  
6           meetings will begin in February to inform the CAC of the Brown's Creek  
7           impairment, the TMDL process and to develop the public input process.  
8           President Leiser requested that Andy Weaver of Stillwater High School be  
9           updated.

10  
11           **c.) Subcommittee Updates**

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13           **d.) Communications & Reports**

- 14           • **City of Grant Adopting Watershed District Rules**  
15           Administrator Kill reported that the District received a letter from the city of  
16           Grant stating its intent to adopt the District's Rules by resolution. The letter was  
17           sent to District legal counsel for review and Administrator Kill will be following  
18           up with the City. President Leiser will attend the formal meeting on behalf of the  
19           District and asked to be notified of the meeting date.
- 20  
21           • **New BWSR Performance Review and Assistance Program**  
22           • **Environmental Solutions, Porous Pavers – Bogert Projects**  
23           President Leiser announced a porous pavement workshop on January 17. He plans  
24           to attend as a representative of the district.
- 25           • **Protecting the St. Croix Conference, 9<sup>th</sup> Annual Event**  
26           The conference is on April 15 at UW River Falls.
- 27           • **Lake Monitoring**  
28           Manager Vanzwol reported that volunteers are needed to take Secchi disk  
29           readings.
- 30  
31           • **River Valley Action Group**  
32           • **Brown's Creek Trail**  
33           President Leiser and Administrator Kill met informally with Dave Paradeau of the  
34           Zephyr Line to present the Brown's Creek erosion inventory.

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36           **e.) February 2008 BCWD Board Agenda**

37           The next board meeting is on February 11, 2008.

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39           **10. Adjournment**

40           **Manager Vanzwol, seconded by Manager Johnson, moved to adjourn at 8:33 PM.**  
41           **Vote 5/0.**

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43           Respectfully Submitted by  
44           Debbie Meister, Recorder